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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,871	12/22/2000	Peter E. Davis	POU920000178US1	3705
23334	7590	06/29/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			HUYNH, THU V	
			ART UNIT	PAPER NUMBER
			2178	
DATE MAILED: 06/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/747,871	DAVIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thu V Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 April 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 and 19-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/14/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |



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### **DETAILED ACTION**

1. This action is responsive to communications: IDS, supplemental, and affidavit filed on 04/14/05 to application filed on 12/22/2000.
2. Claims 1-16 and 19-26 are amended.
3. Claims 1-16 and 19-26 are pending in the case. Claims 1, 9 and 19 are independent claims.
4. The objections of claims 8, 11 and 16 in the previous office action have been withdrawn as necessitated by the supplemental amendment.
5. The rejections in previous office action have been withdrawn as necessitated by the supplemental amendment.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 04/14/2005 was filed after the mailing date of the office action mailed on 12/16/2004. The information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly

owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 1-7, 9-16 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutay et al., US 2002/0026461 A1, priority filed 06/2000 in view of Broder et al., US 6,073,135 filed 03/1998 and Brooke, US 2004/0210556 A1, priority filed 09/1999.**

**Regarding independent claim 1**, Kutay teaches the steps of:

- defining a first XML document and a second XML document based upon one or more reusable content objects, whereby at least one of the content objects includes at least one object dependency relationship that identifies content object dependency across the first XML document and the second XML document using hierarchical tree denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document (Kutay, page 1, paragraph 6; page 3, paragraphs 51, 53-54; page 10, paragraph 173 – page 11, paragraph 185; defining a first XML document (source document) and defining a second XML document by “Click to Add a Child”, wherein the added child is “Document” type. These documents have relationships with object/elements that are identified in a hierarchical structure);
- building the first XML document so as to form a self-contained accumulation of one or more content objects in accordance with the object dependency relationship (Kutay, page 1, paragraph 6; page 3, paragraphs 51, 53-54; page 10, paragraph 173 – page 11, paragraph 185; creating the source XML document based on the defining);

- building the second XML document so as to form a self-contained accumulation of one or more content objects in accordance with the object dependency relationship (Kutay, page 1, paragraph 6; page 3, paragraphs 51, 53-54; page 10, paragraph 173 – page 11, paragraph 185; creating the added child XML document based on the defining);
- transforming the XML document to produce one or more viewable output pages (Kutay, page 11, paragraph 186-187; transforming the XML document into HTML document).

However Kutay does not explicitly disclose object dependency *graph* and in response to a value of the content object being modified, a change is made across one or more output pages concurrently by automatically invoking an XSL transformation engine to produce the output pages.

Broder teaches a graph represents connectivity of web pages of a web site is constructed, traversed, and sorted to maintain accurately and consistently linkage information so that a user is able to access web pages or links within the web pages (Broder, col.1, lines 61-66; col.2, lines 9-12; col.3, lines 34-42; col.5, lines 30-36).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Broder and Kutay to using the graph to update web pages and links of a web site, since it would have help the web site to provide accurate and consistent information for the user, prevent inaccessible to web page(s) which have been deleted or added.

Brooke teaches generating an XML documents; creating XSL style sheets to transform the XML documents to the target format; invoking an XSL transformation engine to produce one or more viewable output pages (Brooke, page 4, paragraphs 37-38, 42; page 5, paragraph 51-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Brooke's teaching into Broder and Kutay to transform the XML documents into different formats, since the combination would have provide different ways to convert the XML documents to target formats required by a device or application software, such as HTML, Word, WML as Brooke disclose in page 5, paragraph 52.

**Regarding dependent claim 2**, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, the limitation "wherein the invoking an XSL transformation engine includes producing viewable output pages in HTML" is addressed. The rationale is incorporated herein.

**Regarding dependent claim 3**, which is dependent on claim 1, Kutay teaches wherein defining a first XML document and a second based upon one or more reusable content objects includes defining an XML document based upon one or more content objects comprising at least one of fragment or servable (Kutay, page 10, paragraph 173 – page 11, paragraph 185).

**Regarding dependent claim 4**, which is dependent on claim 3, Kutay teaches wherein the one or more reusable content objects comprises at least one content fragment which is self-contained fragment (Kutay, page 10, paragraph 173 – page 11, paragraph 185).

**Regarding dependent claim 5**, which is dependent on claim 3, Kutay teaches wherein the one or more content objects comprises at least one of fragment which is a compound fragment (Kutay, page 10, paragraph 173 – page 11, paragraph 185).

**Regarding dependent claim 6**, which is dependent on claim 3, Kutay teaches publishing the one or more viewable output pages (Kutay, page 1, paragraph 6).

**Regarding dependent claim 7**, which is dependent on claim 6, Kutay teaches wherein the publishing includes at least one of publishing the one or more viewable output pages as Web pages or publishing the one or more viewable output pages to other media or devices (Kutay, page 5, paragraph 76).

**Regarding independent claim 9**, Kutay teaches the steps of:

- identifying one or more content objects comprising servable and fragments for constructing a web page based on input received from one or more of the following:
  - (i) information analysis and modeling, (ii) target audience analysis, (iii) target device analysis, (iv) workflow and role analysis (Kutay, page 1, paragraph 6; page 3, paragraph 51; page 9, paragraph 141);
- creating one or more document templates that define the structure of the servable and of the fragments (Kutay, page 3, paragraphs 53-54; page 4, paragraph 63; page 10,

- paragraph 174; templates used to create or define structure of a document; previously created XML project is reused);
- saving the document template as an XML and saving meta information describing each of the servable and the fragments (Kutay, page 1, paragraph 6; page 3, paragraphs 53-54; page 4, paragraph 63; page 6, paragraph 99; page 10, paragraphs 173 – page 11, paragraph 185; stored templates used to create or define structure of a document; a stored existing XML project with metadata objects is used by different users);
- updating an object dependency that identifies content object dependency across a first XML document and second XML document denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and second XML document (Kutay, page 1, paragraph 6; page 3, paragraphs 51, 53-54; page 10, paragraph 173 – page 11, paragraph 185; defining a first XML document (source document) and defining a second XML document by “Click to Add a Child”, wherein the added child is “Document” type. These documents have relationships with object/elements that are identified in a hierarchical structure);
- building the first XML document so as to form a self-contained accumulation of the one or more content objects in accordance with the object dependency graph (Kutay, page 1, paragraph 6; page 3, paragraphs 51, 53-54; page 10, paragraph 173 – page 11, paragraph 185; creating the source XML document based on the defining);

- building the second XML document so as to form a self-contained accumulation of one or more content objects in accordance with the object dependency relationship (Kutay, page 1, paragraph 6; page 3, paragraphs 51, 53-54; page 10, paragraph 173 – page 11, paragraph 185; creating the added child XML document based on the defining).

However Kutay does not explicitly disclose object dependency *graph* and in response to a value of the content object being modified, a change is made across one or more output pages concurrently by automatically invoking an XSL transformation engine to produce the output pages.

Broder teaches a graph represents connectivity of web pages of a web site is constructed, traversed, and sorted to maintain accurately and consistently linkage information so that a user is able to access web pages or links within the web pages (Broder, col.1, lines 61-66; col.2, lines 9-12; col.3, lines 34-42; col.5, lines 30-36).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Broder and Kutay to using the graph to update web pages and links of a web site, since it would have help the web site to provide accurate and consistent information for the user, prevent inaccessible to web page(s) which have been deleted or added.

Brooke teaches generating an XML documents; creating XSL style sheets to transform the XML documents to the target format; invoking an XSL transformation engine to produce one or more viewable output pages for each target audience and each target device (Brooke, page 4, paragraphs 37-38, 42; page 5, paragraph 51-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Brooke's teaching into Kutay to transform the XML documents into different formats, since the combination would have provided different ways to convert the XML documents to target formats required by a device or application software, such as HTML, Word, WML as Brooke discloses in page 5, paragraph 52.

**Regarding dependent claim 10**, which is dependent on claim 9. Refer to the rationale relied to reject claim 9, the limitation "invoking an XSL transformation engine automatically in response to a value of the content objects being modified, to produce one or more viewable output pages in HTML" is addressed. The rationale is incorporated herein.

**Regarding dependent claim 11**, which is dependent on claim 10. Refer to the rationale relied to reject claim 10, the limitation "wherein the step of invoking an XSL transformation engine includes invoking an XSL transformation engine" is addressed. The rationale is incorporated herein.

**Regarding dependent claim 12**, which is dependent on claim 9, wherein the creating one or more document templates that define the structure of the servables and of the fragments includes the sub-steps of:

- receiving a search request from a user for searching metadata information that describes preexisting servables and fragments that can be used in creating the document template (Kutay, page 10, paragraph 163); and

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- receiving a selection from a user to include preexisting servable and fragments in the document template based on the metadata searched (Kutay, page 10, paragraph 163).

**Regarding dependent claim 13**, which is dependent on claim 12, Kutay further teaches the sub-steps of:

- receiving a user request to create a new document template (Kutay, page 6, paragraphs 98-99; user selects “New Project” button to create new project, wherein the project can be reused later); and
- creating a blank form for holding one or more content objects (Kutay, page 6, paragraphs 98-99; creating new project).

**Regarding dependent claim 14**, which is dependent on claim 12, Kutay further teaches the sub-steps of:

- receiving a user request for editing a preexisting document template (Kutay, page 6, paragraphs 98-99; fig.8A; page 10, paragraph 174; user selects “Open Project” button to request editing an existing project, wherein the project can be reused later); and
- retrieving a preexisting document according to the user request received (Kutay, page 6, paragraphs 98-99; fig.8A; page 10, paragraph 174; retrieving the requested project).

**Regarding dependent claim 15**, which is dependent on claim 9, Kutay teaches the step of saving the document template as an XML file and saving meta information describing each of

the servables and the fragments includes saving any attachments to the document (Kutay, page 1, paragraph 6; page 3, paragraphs 53-54; page 4, paragraph 63; page 6, paragraph 99; page 10, paragraphs 173 – page 11, paragraph 185; stored templates used to create or define structure of a document; a stored existing XML project with metadata objects and attachments, such as “text” “image\_URL” is used by different users).

**Regarding dependent claim 16**, which is dependent on claim 15, Kutay teaches wherein the step of saving the document includes saving any attachments to the document selected from the group consisting of text files; video files, still images, stylesheets and multimedia data (Kutay, page 1, paragraph 6; page 3, paragraphs 53-54; page 4, paragraph 63; page 6, paragraph 99; page 10, paragraphs 173 – page 11, paragraph 185; stored templates used to create or define structure of a document; a stored existing XML project with metadata objects and attachments, such as “text” “image\_URL” is used by different users).

**Claims 19-25** are for a computer readable medium presenting the method of claims 1-7, respectively, and are similarly rejected under the same rationale.

8. **Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutay in view of Broder and Brooke as applied to claim 1 above and further in view of Nakanishi et al., US 2002/0010711 A1, filed 09/1998.**

**Regarding dependent claim 8**, which is dependent on claim 1, Kutay does not explicitly disclose partitioning at least some fragment of the plurality of fragments into a plurality of group

such that if two compound fragments are constructed from at least one common changed fragment, then the compound fragments are placed in a same group; and publishing all fragments belonging to a same group together.

Nakanishi teaches that when a user edits a node in a hierarchy tree, related nodes are group together to control editing sequence of the documents to be edited (Nakanishi, page 1, paragraph 21; page 7, paragraph 135).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Nakanishi's partition into Kutay's XML hierarchical tree to update related nodes or fragments that are constructed from one common edited fragment, since the combination would have allowed the user to the access to nodes or fragments consistently and efficient when edit or update the XML document.

**Claim 26** is for a computer readable medium presenting the method of claim 8, and is similarly rejected under the same rationale.

*Response to Amendment*

9. The affidavit filed on 04/14/2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kutay et al. reference (US 2002/0026461 A1, provisional filed 06/05/2000).

The declaration filed on 10/04/2004 fails to show and give explanation pointing out how the evidence supports the reduction to practice of the claimed invention. Simply providing paragraphs briefly discussing general information of Exhibits and not explaining how they show

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the facts which applicant desires to establish reduction to practice is not adequate. That is, it is applicant's burden to show how the evidence supports the conception and/or reduction to practice of the claimed invention. See MPEP, section 715.07(I), last paragraph.

The evidence submitted is insufficient to establish a reduction to practice of the invention prior to the effective date of the Kutay reference of 06/05/2000. It appears that applicant is relying on "Franklin User Acceptance Testing" in the Exhibit E as proof of reduction to practice. However, a written description or/and test results "includes a list of things users liked and did not like" and conclude that "users were using the running end-to-end inventive system with features of the presently claimed invention" can not qualify as reduction to practice, since reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. See MPEP, section 715.07(III), fifth paragraph.

Therefore, the evidence is not persuasive and the Kutay reference is being maintained and made FINAL.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-16 and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that "Kutay disclose a system and method for creating a single "source" document " and "Kutay does not show a system for maintaining synchronization of data across a complex order of multiple web page".

This is not persuasive. Kutay teaches creating "source" documents. The user is able to define other documents from current or source document by "Click to Add a Child" and select the "Document" type for the added child (Kutay, figures 15A-15D). The user is able to modify

objects in the documents so that changing one of the object causes the documents are updated according to the changing.

Applicants argue that Kutay does not disclose at least one object dependency graph and edges denoting relationships between one or more of the content objects as amended claim 1.

However, the combination of Kutay and Broder teaches amended limitation.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shoham, US 5855015, filed 05/1995, teaches system and method for retrieval of hyperlinked information resources.

Chi et al., US 6509898 B2, filed 04/1998, teaches usage based method of traversing and displaying generalized graph structure.

Fogg et al., US 6321242 B1, filed 02/1998, teaches re-linking technology for a moving web site.

Nielsen, US 6021435, filed 03/1996, teaches apparatus and method for displaying enhanced hypertext link anchor information regarding hypertext page availability and context.

Tenev et al., US 6108698, filed 07/1998, teaches node-link data defining graph and a tree within the graph.

Mangat et al., US 6049799, filed 05/1997, teaches document link management using directory services.

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Yoshioka et al., US 5553216, filed 02/1994, teaches structure database system together with structure definition frame storing document body data.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH  
June 20, 2005



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**